

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

LAYLANIE RUIZ-OLMO,

Plaintiffs

v.

HONORABLE JAVIER VÉLEZ AROCHO,  
IN HIS PERSONAL AND OFFICIAL  
CAPACITIES AS SECRETARY OF THE  
DEPARTMENT OF NATURAL AND  
ENVIRONMENTAL RESOURCES OF  
PUERTO RICO; JAVIER QUINTANA  
MÉNDEZ, IN HIS PERSONAL AND  
OFFICIAL CAPACITIES AS  
EXECUTIVE DIRECTOR OF THE  
SOLID WASTE AUTHORITY OF  
PUERTO RICO; THE SOLID WASTE  
AUTHORITY OF PUERTO RICO; LUIS  
MIGUEL CRUZ, IN HIS PERSONAL  
AND OFFICIAL CAPACITIES AS  
ADMINISTRATOR OF THE  
ENVIRONMENTAL AGENCIES  
BUILDINGS; ABC INSURANCE CO.;  
JOHN DOE; RICHARD ROE,

Defendants

CIVIL 08-1638 (FAB) (JA)

OPINION AND ORDER

This matter is before the court on the motion to dismiss of defendants Solid Waste Authority, Javier Quintana Méndez, and Luis Miguel Cruz (collectively "SWA"). (Civil 08-1638, Docket No. 10.) SWA seeks dismissal of the complaint filed by Ms. Laylanie Ruiz-Olmo ("Ruiz") on June 11, 2008. (Civil 08-1638, Docket No. 1.) On September 30, 2008 Ruiz' case was consolidated with Civil 08-1058, a case filed by Ruiz' co-worker Julio A. Toro-McCown ("Toro"), on

1 CIVIL 08-1638 (FAB) (JA)

2

3 January 14, 2008. (Civil 08-1638, Docket No. 17.) Earlier today I issued an  
4 opinion and order granting the SWA's motion to dismiss all of Toro's claims. (Civil  
5 08-1058, Docket No. 87.) Because the facts and issues of Ruiz' case are  
6 essentially identical to those of Toro's, I hereby incorporate into this order,  
7 *mutatis mutandis*, the opinion and order dismissing Toro's claims.  
8

9  
10 There are only a few minor differences between Toro's case and that of  
11 Ruiz. First, Toro brought causes of action under the Americans with Disabilities  
12 Act (42 U.S.C. § 12101 *et seq.*) and the Rehabilitation Act (29 U.S.C. § 794(a))  
13 in addition to his claims under section 1983, the Fourteenth Amendment, and  
14 state tort law. Ruiz, on the other hand, brought only claims under section 1983,  
15 the Fourteenth Amendment, and state tort law. This difference does not,  
16 however, change the applicability of the Toro opinion to Ruiz' case. Those  
17 portions of the opinion addressing section 1983, the Fourteenth Amendment, and  
18 state tort law bear directly on this case.  
19

20  
21 Second, whereas the DRNA granted Toro the transfer of offices he sought  
22 (Civil 08-1058, Docket No. 46, at 11), there is no indication that Ruiz has received  
23 such a transfer. It is true that Toro's receipt of this reasonable accommodation  
24 was important to his case in that it rendered moot his claims against the DRNA.  
25 In Ruiz' case, however, the DRNA is not a defendant, so whether Ruiz has  
26  
27  
28

1 CIVIL 08-1638 (FAB) (JA)

3

2  
3 received a reasonable accommodation or not is irrelevant.<sup>1</sup> These minor  
4 differences aside, Ruiz and Toro have essentially the same case, and the  
5 reasoning behind the dismissal of Toro's case applies equally to the dismissal of  
6 Ruiz' case.  
7

8  
9 CONCLUSION

10 Accordingly, Ruiz' section 1983 claim under the Fourteenth Amendment is  
11 dismissed because she suffered no disparate treatment, because no fundamental  
12 right of hers was violated, and because the SWA's actions were not conscience-  
13 shocking. All federal law claims being thus dismissed, there exists no reason to  
14 assert supplemental jurisdiction over Ruiz' state law claims, which are therefore  
15 dismissed for lack of jurisdiction.  
16

17 In view of the above, the defendants' motion is GRANTED. Accordingly, the  
18 complaint is DISMISSED. The Clerk is to enter judgment accordingly.  
19

20 SO ORDERED.

21 At San Juan, Puerto Rico, this 22d day of December, 2008.

22 S/ JUSTO ARENAS  
23 Chief United States Magistrate Judge  
24

25 <sup>1</sup>Were it to become known that Ruiz had received a reasonable  
26 accommodation, her cause of action seeking a reasonable accommodation would  
27 still be dismissed, the only difference being that the basis for such a dismissal  
28 would be mootness rather than the reasoning enunciated in the Toro dismissal  
that is herein incorporated. Either way, the claim seeking a reasonable  
accommodation is dismissed.